

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**TRANSFER ORDER**

**Before the Panel:** Plaintiffs in the action listed on Schedule A (*Mayfield*) move under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2327. Responding defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson (collectively, Ethicon) oppose the motion to vacate.

After considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their action shares questions of fact with MDL No. 2327. Like many of the already-centralized actions, *Mayfield* involves factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

Plaintiffs base their arguments against transfer entirely on the pendency of their motion to remand the action to state court, suggesting that the transferor court should first decide the motion. The Panel repeatedly has held that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order. *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). Moreover, the transferor court recently denied the remand motion as to the claims against Ethicon and co-defendant C.R. Bard., Inc.<sup>1</sup>

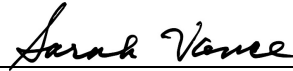
---

<sup>1</sup> *See Mayfield v. London Women's Care, PLLC*, C.A. No. 15-0019, 2015 WL 3440492 (E.D. Ky. May 28, 2015).

-2-

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance", positioned above a horizontal line.

---

Sarah S. Vance  
Chair

Marjorie O. Rendell  
Lewis A. Kaplan  
R. David Proctor

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**SCHEDULE A**

Eastern District of Kentucky

MAYFIELD, ET AL. v. LONDON WOMEN'S CARE, PLLC, ET AL., C.A. No. 6:15-0019



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Existing Transfer Order (Transferee Court)

JPMLCMECF

to:

JPMLCMDECF

06/08/2015 09:33 AM

Hide Details

From: JPMLCMECF@jpml.uscourts.gov

To: JPMLCMDECF@jpml.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

## United States

### United States Judicial Panel on Multidistrict Litigation

#### Notice of Electronic Filing

The following transaction was entered on 6/8/2015 at 9:32 AM EDT and filed on 6/8/2015

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

\*\*\*TEXT ONLY ENTRY\*\*\*

#### MINUTE ORDER -- TO TRANSFEEER CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 6/8/2015.

**Associated Cases:** MDL No. 2327, KYE/6:15-cv-00019 (dn)

**Case Name:** Mayfield et al v. London Women's Care, PLLC et al

**Case Number:** [KYE/6:15-cv-00019](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

\*\*\*TEXT ONLY ENTRY\*\*\*

#### MINUTE ORDER -- TO TRANSFEEER CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court

**for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.**

**Signed by Clerk of the Panel Jeffery N. Luthi on 6/8/2015.**

**Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)**

**No public notice (electronic or otherwise) sent because the entry is private**



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products  
Liability Litigation Transfer Order  
JPMLCMECF

to:

JPMLCMDECF

06/08/2015 09:33 AM

Hide Details

From: JPMLCMECF@jpml.uscourts.gov

To: JPMLCMDECF@jpml.uscourts.gov

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

## United States

### United States Judicial Panel on Multidistrict Litigation

#### Notice of Electronic Filing

The following transaction was entered on 6/8/2015 at 9:32 AM EDT and filed on 6/8/2015

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** [2027](#)

#### Docket Text:

**TRANSFER ORDER** re: pldg. (7 in KYE/6:15-cv-00019, [1917] in MDL No. 2327), (12 in KYE/6:15-cv-00019, [1944] in MDL No. 2327)

**Transferring 1 action(s) - MDL No. 2327, KYE/6:15-cv-00019**

**Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 6/8/2015.**

**Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)**

**Case Name:** Mayfield et al v. London Women's Care, PLLC et al

**Case Number:** [KYE/6:15-cv-00019](#)

**Filer:**

**Document Number:** [14](#)

#### Docket Text:

**TRANSFER ORDER** re: pldg. (7 in KYE/6:15-cv-00019, [1917] in MDL No. 2327), (12 in

**KYE/6:15-cv-00019, [1944] in MDL No. 2327)**

**Transferring 1 action(s) - MDL No. 2327, KYE/6:15-cv-00019**

**Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 6/8/2015.**

**Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)**

**MDL No. 2327 Notice has been electronically mailed to:**

Carl N Frankovitch carl@facslaw.com, terry@facslaw.com

Michael J Farrell mjf@farrell3.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com,  
nthompson@fsblaw.com

Harry F. Bell, Jr hfbell@belllaw.com, camclain@belllaw.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Paul T. Farrell, Jr paul@greeneketchum.com, lora@greeneketchum.com

Marc E. Williams marc.williams@nelsonmullins.com

**MDL No. 2327 Notice will not be electronically mailed to:**

**KYE/6:15-cv-00019 Notice has been electronically mailed to:**

Richard B. North, Jr richard.north@nelsonmullins.com, Andrew.Rosenzweig@nelsonmullins.com,  
mandy.evangelista@nelsonmullins.com, maria.turner@nelsonmullins.com,  
mark.nash@nelsonmullins.com

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

Jeffrey J. Lowe jeff@jefflowepc.com, cmiller@careydanis.com

W. Kennedy Simpson ksimpson@tmslawplc.com

Andrew J. Cross across@careydanis.com

Susan J Pope spope@fbtlaw.com

John J Carey jcarey@careydanis.com

Yancey L. White morganwhite7@gmail.com

Alice Annette Morgan-White morganwhite7@gmail.com

Clayton Robinson crobinson@robinsonhavens.com, ssowards@robinsonhavens.com

Jonathan Weber jweber@robinsonhavens.com, jvillagaray@robinsonhavens.com

**KYE/6:15-cv-00019 Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP JPMLStamp\_ID=1090522767 [Date=6/8/2015] [FileNumber=566526-0] [56825306aa3060e611ed4f8124fea10008d542f82bd9401fd302ab12d84d45dd13b9beab1fbe40de569736cabea81d976edc09331bdf49606e42af6cafa2b6b4]]